AMENDMENT TO THE CLAIMS

The following claim listing replaces all prior listings and versions of the claims:

LISTING OF CLAIMS

1-2. (Cancelled)

3. (Currently Amended) ~~The nonaqueous electrolyte secondary battery according to claim 2,~~ A nonaqueous electrolyte secondary battery comprising:

a positive electrode having an active material of a complex oxide capable of storing and emitting lithium ions;

a negative electrode capable of storing and emitting lithium ions;

a separator disposed between the positive electrode and the negative electrode; and

an electrolytic solution containing a nonaqueous solvent,

wherein the positive electrode contains a positive electrode active material comprising a first active material of lithium-based complex oxide and a second active material of another lithium-based complex oxide having an average discharge voltage lower than an average discharge voltage of the first active material,

an added amount of the second active material is at least 5% and at most 20% in capacity of a total amount of capacity of the positive electrode active material, and

~~wherein~~ the first active material is a composite "A" expressed as Li_xMO_2, "M" denoting a 3d transition metal, x being given as $0.9 \leq x \leq 0.98$, and the second active material is $LiMnO_2$.

4. (Previously Presented) The nonaqueous electrolyte secondary battery according to claim 3, wherein the composite "A" contains at least one of materials expressed as

$Li_xNi_yMn_zCo_{1-y-z}O_2$, x, y, and z being given as $0.9 \leq x \leq 0.98$, $0.3 \leq y \leq 0.4$, and $0.3 \leq z \leq 0.4$, and $Li_xNi_yCo_zAl_{1-y-z}O_2$, x, y, and z being given as $0.9 \leq x \leq 0.98$, $0.55 \leq y \leq 0.8$, and $0.15 \leq z \leq 0.3$.